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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHARLES RIDGEWAY, JAIME FAMOSO,  
JOSHUA HAROLD, RICHARD BYERS, DAN  
THATCHER, NINO PAGTAMA, WILLIE  
FRANKLIN, TIM OPITZ, FARRIS DAY,  
KARL MERHOFF, and MICHAEL KROHN,

Plaintiffs,

v.

WAL-MART STORES, INC., a Delaware  
corporation d/b/a WAL-MART  
TRANSPORTATION LLC, and Does One  
through and including Doe Fifty,

Defendants.

[Previously captioned as *Bryan et al. v. Wal-  
Mart Stores, Inc.*]

CASE NO. 3:08-cv-05221-SI

**STIPULATED REQUEST AND  
~~PROPOSED~~ ORDER MODIFYING  
CASE MANAGEMENT SCHEDULE**

The undersigned counsel, on behalf of Plaintiffs Charles Ridgeway, Jaime Famoso, Joshua Harold, Richard Byers, Dan Thatcher, Nino Pagtama, Willie Franklin, Tim Opitz, Farris Day, Karl Merhoff, and Micheal Krohn ("Plaintiffs") and Defendant Wal-Mart Stores, Inc. ("Wal-Mart," and collectively, with Plaintiffs, the "Parties"), hereby stipulate as follows:

### RECITALS

WHEREAS the Court has set pre-trial deadlines in its Second Pretrial Preparation Order (Dkt. No. 213) and had previously set deadlines in its Pretrial Preparation Order (Dkt. No. 174);

WHEREAS the parties have worked diligently to resolve discovery and deposition issues in the timing provided by that Order;

WHEREAS Plaintiffs' counsel are currently in the midst of a three month class action trial in another lawsuit that will affect the parties' ability to complete agreed upon discovery and depositions as scheduled, particularly given the time constraints of the coming retail blackout holiday period where many Wal-Mart employees will be unavailable because of business constraints; and

WHEREAS the parties believe they have identified the remaining discovery to be completed and believe the new deadlines will allow an orderly completion of the same.

### STIPULATION

Accordingly, the parties now jointly stipulate and respectfully request that this Court order the following changes to the existing schedule:

Event	Current Date	Proposed New Date
Expert Designation	October 19, 2015	<del>June 17, 2016</del> 4/29/16
Expert Rebuttal	October 28, 2015	<del>July 18, 2016</del> 5/20/16
Dispositive Motions (*see below)	January 15, 2016	<del>On or before July 15, 2016</del> 7/1/16
Oppositions to Dispositive Motions	January 29, 2016	<del>Three weeks to oppose</del> 7/15/16
Replies In Support of Motions	February 5, 2016	<del>Two weeks to reply</del> 7/22/16
Discovery Cutoff (Expert and Non-Expert)	December 3, 2015	<del>August 19, 2016</del> 6/30/15
Pretrial Conference	April 12, 2016	<del>September 2, 2016</del> 9/6/15 16
Trial	April 25, 2016	<del>September 16, 2016</del> 9/19/16

\*DISPOSITIVE MOTION HEARING: 8/5/16 @ 9 a.m.

Pursuant to Local Rule 6-2(a), the declarations of Daniel M. Kopfman and Jesse A. Cripps in support of this stipulation are filed herewith.

IT IS SO STIPULATED.

Dated: September 28, 2015

By: /s/ Daniel Kopfman

Daniel Kopfman  
WAGNER, JONES, KOPFMAN, &  
ARTENIAN LLP

Attorneys for Plaintiffs

By: /s/ Jesse A. Cripps

Jesse A. Cripps  
GIBSON, DUNN & CRUTCHER LLP


Attorneys for Defendant

I, Jesse A. Cripps, attest that concurrence in the  
filing of this document has been obtained from the  
other signatory.

~~PROPOSED~~ ORDER

Pursuant to the above stipulation, the Stipulation and Order regarding the case management schedule is approved.

DATE: 9/29/15



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THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE

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CASE NO. 3:08-cv-05221-SI

**DECLARATION OF DANIEL M.  
KOPFMAN IN SUPPORT OF  
STIPULATED REQUEST AND  
[PROPOSED] ORDER MODIFYING  
CASE MANAGEMENT SCHEDULE**

1 I, Daniel M. Kofman, declare and state as follows:

2 1. I am a partner in the law firm of Wagner, Jones, Kopfman, & Artanian LLP. I am  
3 counsel of record for Plaintiffs in this action. I submit this Declaration in support of the parties' joint  
4 Stipulated Request and [Proposed] Order Modifying Case Management Schedule. I have personal  
5 knowledge of the facts set forth below.

6 2. The parties had previously sought an extension of the deadlines entered in the  
7 Court's Pretrial Preparation Order (Dkt. No. 174). The Court then entered its Second Pretrial  
8 Preparation Order (Dkt. No. 213).

9 3. The parties have worked diligently to resolve discovery and depositions issues.  
10 The parties have engaged in substantial written discovery and are in the process of scheduling  
11 depositions.

12 4. My firm is lead counsel in the trial of *Cortina et al. v North American Title*  
13 *Company and North American Services LLC*, Case No. 07 CE CG 01169 JH, a class action in Fresno  
14 County Superior Court, which began on September 21, 2015, and is anticipated to last approximately  
15 three months. The demands of trial on my firm's resources and personnel will affect the parties'  
16 ability to complete agreed upon discovery and depositions as scheduled.

17 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
18 and correct.

19  
20 Executed on this 28th day of September, 2015, at Fresno, California.

21  
22  
23 /s/ Daniel Kopfman

24 DANIEL KOPFMAN  
25 WAGNER, JONES, KOPFMAN, & ARTENIAN LLP  
26 ATTORNEYS FOR PLAINTIFFS  
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Defendants.

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CASE NO. 3:08-cv-05221-SI

**DECLARATION OF JESSE A. CRIPPS IN  
SUPPORT OF STIPULATED REQUEST  
AND [PROPOSED] ORDER MODIFYING  
CASE MANAGEMENT SCHEDULE**

1 I, Jesse A. Cripps, declare and state as follows:

2 1. I am a partner in the law firm of Gibson, Dunn & Crutcher. I am counsel of record  
3 for Defendant Wal-Mart Stores, Inc. ("Wal-Mart") in this action. I submit this Declaration in support  
4 of the parties' joint Stipulated Request and [Proposed] Order Modifying Case Management Schedule.  
5 I have personal knowledge of the facts set forth below.

6 2. The parties' ability to complete agreed upon discovery and depositions as  
7 scheduled is affected given the time constraints of the coming retail blackout holiday period where  
8 many Wal-Mart employees will be unavailable because of business constraints.

9  
10 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
11 and correct.

12  
13 Executed on this 28th day of September, 2015, at Los Angeles, California.

14  
15  
16  
17 /s/ Jesse A. Cripps

18 JESSE CRIPPS  
19 GIBSON, DUNN & CRUTCHER

20 ATTORNEYS FOR DEFENDANT  
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